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REPORT AND ORDER

Released: May 4, 2001

By the Chief, Allocations Branch:

1. Before the Allocations Branch for consideration is a multiple docket *Notice of Proposed Rule Making* setting forth three separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules to allot new channels in four separate localities. Each proposal involves a change of community of license that would provide a first local transmission service at the proposed community. Each petitioner, Edwards Communications, L.C., licensee of Station WIDL(FM) Caro, Michigan, and D&H Media, permittee of Station KWKJ(FM), Warsaw, Missouri, filed comments reiterating that it will file an application for construction permit at each locality to effectuate the change of community if the channel is reallocated. D&H Media also filed comments as requested giving additional information with respect to underserved loss areas and the public interest benefit in the change of community. We received no other comments or counterproposals.

2. Both petitioners filed their proposals for the reallocations in accordance with the provisions of Section 1.420(i) of the Commission's Rules, which permits the modification of a station's license to specify a new community of license while not affording other interested parties the opportunity to file competing expressions of interest in the proposed allotment.¹

3. This is a multiple docket *Report and Order* issued in response to a Commission *Public Notice* released October 2, 1998 (DA 98-1987). We are combining separate FM allotment proposals into a single *Report and Order*. Each proposal has its own docket and rule making number and the Commission's Reference Center will maintain a separate file for each docket. As discussed in the *Public Notice*, this procedure will conserve Commission resources and expedite the processing of FM allotment petitions for rule making by avoiding duplicative actions. We discuss the following proposals:

A. MM Docket No. 01-33; RM-10060

Petitioner: Edwards Communications, L.C.

¹ See Report and Order in MM Docket No. 88-526 ("Change of Community R&O"), 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990) ("Change of Community MO&O").

**C/O John S. Neely
Miller and Miller, P.C.
P. O. Box 33003
Washington, DC 20033**

Determination: Substitute Channel 221C3 for Channel 221A at Caro, Michigan, reallocate Channel 221C3 from Caro to Cass City, Michigan, as the community's first local transmission service, and modify Station WIDL's authorization to specify Cass City as the community of license.

Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective June 18, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, as follows:

<u>Community</u>	<u>Channel</u>
Cass City, Michigan	221C3

Coordinates: 48-38-20 NL and 83-08-38 WL

Additional Information: Channel 221C3 can be substituted for Channel 221A at Caro, Michigan, and reallocated from Caro to Cass City at petitioner's requested site 4.9 kilometers (3.0 miles) northeast of the community. Our engineering analysis shows that there is a gain area with a population of 37,994 persons. Our analysis also shows that all of the loss area is well served, and the gain area includes areas that will receive a third, fourth, and fifth service. In addition, Caro will continue to receive local transmission service from Station WKYO(AM). No urbanized areas are involved. Canadian concurrence has been received for this allotment.

FCC Contact: Victoria M. McCauley, Mass Media Bureau (202) 418-2180.

B. MM Docket No. 01-34; RM-10061

Petitioner: D&H Media
C/O Howard J. Barr
Pepper and Corazzini, LLP
1776 K Street, N.W. Suite 200
Washington, DC 20006-2334

Determination: Reallocate Channel 253A from Warsaw to Windsor, Missouri, as the community's first local transmission service, and modify Station KWKJ's authorization to specify Windsor as the community of license.

Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective June 18, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, as follows:

<u>Community</u>	<u>Channel</u>
Windsor, Missouri	253A

Coordinates: 38-31-56 NL and 93-31-19 WL

Additional Information: Channel 253A is reallocated from Warsaw to Windsor, Missouri, without a site restriction. Warsaw will continue to receive local transmission service from Station KAYQ(FM). No urbanized areas are involved. We agree that the change of community will serve the public interest. In response to the *Notice*, petitioner states that the change of community will result in a preferential arrangement of allotments. It will provide a first local aural transmission service to the community. It also states that the net gain in service to 21,439 persons outweighs the loss of a service to 7,841 persons. Our analysis also shows that from petitioner's site, the loss area includes no white or gray area. We also note that the gain area includes an area with a population of 3,873 persons who will receive a fourth reception service.

FCC Contact: Victoria M. McCauley, Mass Media Bureau (202) 418-2180.

4. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the authorization of Station WIDL(FM), IS MODIFIED to specify operation on Channel 221C3 at Cass City Michigan and the authorization of Station KWKJ(FM) IS MODIFIED to specify operation on Channel 253A at Windsor, Missouri, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

5. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(m), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Edwards Communications, L.C., licensee of Station WIDL(FM) Caro, Michigan, and D&H Media, permittee of Station KWKJ(FM), Warsaw, Missouri, are each required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

6. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau